

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JULIE JACOBY,

Plaintiff,

-against-

07 Civ. 4627 (LAK)

HARTFORD ACCIDENT AND INSURANCE COMPANY,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

This is an ERISA action to recover disability benefits.

Plaintiff has filed a motion styled "to Declare Unconstitutional the Arbitrary and Capricious Standard of Review and to Grant Plaintiff a De Novo Plenary Proceeding." Her notice of motion does not indicate whether she seeks judgment on the pleadings or summary judgment. If the former, she plainly is not entitled to it. If the latter, she plainly has not complied with the requirements of Fed. R. Civ. P. 56 or S.D.N.Y. Civ. R. 56.1.

Accordingly, the motion [DI 15] is denied. This ruling is made purely on procedural grounds and intimates no judgment on the merits.

SO ORDERED.

Dated: February 14, 2008



Lewis A. Kaplan
United States District Judge

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